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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 24th July, 1986:—

BILL No. XXVII OF 1986

A Bill further to amend the Essential Commodities Act, 1955.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Essential Commodities (Amendment) Act, 1986.

10 of 1955.

Substitution of new section for section 6E.

2. For section 6E of the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

Bar of jurisdiction in certain cases.

"6E. Whenever any essential commodity is seized in pursuance of an order made under section 3 in relation thereto, or any package, covering or receptacle in which such essential commodity is found, or any animal, vehicle, vessel or other conveyance used in carrying such essential commodity is seized pending confiscation under section 6A, the Collector, or, as the case may be, the State Government concerned under section 6C shall have, and, notwithstanding anything to the contrary contained in any other law for the time being in force, any court, tribunal or other authority shall not have, jurisdiction to make orders with regard to the possession, delivery, disposal, release or distribution of such essential commodity, package, covering, receptacle, animal, vehicle, vessel or other conveyance.".

Amend-ment of section 7A.

3. In section 7A of the principal Act,—

(*a*) for the words "six per cent.", at both the places where they occur, the words "fifteen per cent." shall be substituted;

(*b*) after the words "as an arrear of land revenue", wherever they occur, the words "or as a public demand" shall be inserted.

Amendment of section 12AA.

4. In section 12AA of the principal Act, in sub-section (*1*), in clause (*e*), after the words "an offence under this Act", the words" or upon a complaint made by an officer of the Central Government or a State Government authorised in this behalf by the Government concerned" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The Essential Commodities Act, 1955 (hereinafter referred to as the Act) provides that, for maintaining or increasing supplies of essential commodities or for securing their equitable distribution and availability at fair prices, the Central Government may issue orders for regulating or prohibiting the production, supply and distribution of such essential commodities and trade and commerce therein. In order to achieve these objectives, Government has been vested with plenary powers under the Act to issue orders for regulating production, storage, transport and distribution of such essential commodities for controlling the price, etc.

2. Section 6E was inserted in the Act in 1976 to provide that the courts would be debarred from making any order with regard to the possession, delivery, disposal or distribution of any essential commodity seized in pursuance of an order made under section 3 of the Act. For an effective implementation of the provisions of the Act, it is proposed to enlarge the scope of that section so as to bar the jurisdiction of courts also in respect of the release of any package, covering or receptacle in which any seized essential commodity is found, or any animal, vehicle, vessel or other conveyance used in carrying such essential commodity seized pending confiscation thereof under section 6A of the Act.

3. A new section 7A was incorporated in the Act in 1984 to provide for an express provision to enable the Government to recover, in case of default, any amount which is required to be paid or deposited in pursuance of a regulatory order issued under section 3 of the Act as arrears of land revenue. But, in some of the States, Government dues are being recovered as a public demand. It is, therefore, proposed to suitably amend the provisions of section 7A of the Act to enable the recovery of Government dues as a public demand also.

4. Section 7A also provides for simple interest at six per cent. per annum payable by the defaulters from the date of such default of Government dues up to the date of the recovery thereof. It is considered necessary to raise the rate of interest from six per cent. per annum to fifteen per cent. per annum keeping in view the existing rates of interest charged by the banks.

5. Under clause (e) of sub-section (1) of section 12AA of the Act, a Special Court can-take cognizance of an offence for violation of the provisions of the Act, only if a report to that effect is made by the police and not by any other officer of the Government. This has been causing avoidable delay in taking action under the Act by the officials of the Food and Civil Supplies Departments of the Government against persons violating the provisions of the Act. To remove this lacuna, it is proposed to suitably amend the said section to enable authorised officers of the Central and State Governments also to make a report to the Special Courts.

6. The Bill seeks to achieve the above objects.

NEW DELHI; H. K. L. BHAGAT.

The 21st July, 1986.

FINANCIAL MEMORANDUM

Section 7A of the Essential Commodities Act, 1955, *inter alia,* provides that where the order, in pursuance of which any amount has been paid to any person or deposited to the credit of any Account or Fund, is declared invalid by a court of law, such amount will have to be refunded together with interest due thereon at the rate of six per cent. per annum. Clause 3 of the Bill proposes to raise such rate from six per cent. per annum to fifteen per cent. per annum. If in any case the liability to pay such interest arises, the amount of such interest would be paid by the concerned person or, as the case may be, from the concerned Account or Fund. Consequently, no expenditure would be involved from the Consolidated Fund of India, if the Bill is enacted and brought into operation.

SUDARSHAN AGARWAL,

Secretary-General.

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